

JEM:MO'B

January 3, 1933.

MEMORANDUM FOR MR. NELSON.

Mr. Sanford Bates called me regarding the fingerprints published in a New York newspaper on Capone which was sent to Mr. Bates by the Warden at Atlanta Penitentiary. The Warden stated in his letter that the chart on Capone differed from the prints which are on file at Atlanta.

I told Mr. Bates that this chart was shown to the Appropriations Committee during the hearings and that if there was any difference I would like to ascertain it and asked him to send the material to me. Mr. Bates said he would send us the correspondence.

Please have this matter carefully checked when the material is received.

Very truly yours,

Director.

RECEIVED FILES DIVISION  
MAILED  
JAN 7 1933

RECORDED

|                         |      |
|-------------------------|------|
| 69-180-136              |      |
| BUREAU OF INVESTIGATION |      |
| JAN 9 1933              |      |
| DEPARTMENT OF JUSTICE   |      |
|                         | FILE |

163

JOHN EDGAR HOOVER  
DIRECTOR

|             |       |
|-------------|-------|
| Mr. Nathan  | ..... |
| Mr. Tolson  | ..... |
| Mr. Edwards | ..... |
| Mr. Clegg   | ..... |

U. S. Bureau of Investigation

WHDL:HCB

Department of Justice

Washington, D. C.

January 6, 1933.

MEMORANDUM FOR THE DIRECTOR.

In preparing an Interesting Case on Alphonse Capone, File #69-180, Contempt of Court, the writer noted that Capone's criminal record as contained in the Identification Division of the Bureau showed:

"Alphonus Capone, #B-5496, received Philadelphia County Prison, Holmesburg, Pennsylvania, May 14, 1929; crime, carrying concealed deadly weapons; sentenced one year."

The next entry showed:

"As Alphonse Capone, #90725, arrested Philadelphia, Pennsylvania Police Department, May 17, 1929; charges, suspicious character, carrying concealed deadly weapons; disposition not given."

Since these records indicated that Capone was received at Holmesburg, Pennsylvania, three days prior to his arrest by the Philadelphia Police Department on the same charges, the writer communicated with Division Six to verify these two dates, and was advised by Mr. Schilder that the dates as set out above had been received by the Identification Division, but agreed that both dates could not be correct. He suggested that the Philadelphia Office should be called for the correct dates.

Upon authority of Mr. Nathan, this was done and Special Agent in Charge Harvey at Philadelphia checked the records at Holmesburg and Philadelphia and informed the writer that Alphonsus Capone was received at the Philadelphia County Prison, Holmesburg, Pennsylvania, on May 18, 1929, and that Alphonse Capone was arrested May 16, 1929, by the Philadelphia Police Department.

These dates and this spelling of Capone's first name by the Philadelphia County Prison, as given by Special Agent in Charge Harvey, have been included in the Interesting Case on Alphonse Capone.

Division Six was furnished this information by telephone immediately upon its receipt from Philadelphia.

RECORDED

Respectfully,

JAN 12 1933

W. H. D. Lester

W. H. D. Lester.

|                         |
|-------------------------|
| 69-180-137              |
| BUREAU OF INVESTIGATION |
| JAN 12 1933 A.M.        |
| EDWARDS                 |
| Div Six                 |

JOHN EDGAR HOOVER  
DIRECTOR

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

January 24, 1933.

CT:ACS

|            |  |
|------------|--|
| Mr. Nathan |  |
| Mr. Tolson |  |
| Mr. Egan   |  |
| Mr. Clegg  |  |

MEMORANDUM FOR THE DIRECTOR.

Mr. Lewis, Local Representative of the Universal News Service, called at my office today. He stated that Mr. White, the New York Manager of the Universal News Service, had communicated with him suggesting that he make inquiries with a view to writing up interesting angles of the Capone case. When I was in New York recently talking with Mr. McCarthy of the King Features Syndicate, he indicated that Mr. White might call at the Bureau and request you to place him in touch with Mr. Irey. You will recall that efforts were made to make an appointment for Mr. McCarthy to see Mr. Irey when Mr. McCarthy was in the city.

Mr. Lewis knew nothing of the background of the Capone case and I gave him no information with respect to your conversation with Messrs. Lait and McCarthy other than to state that they talked with you about the Capone case and were advised by you that the real Capone story was not contained in the files of this Bureau but that Colonel Woodcock and Mr. Irey might be able to furnish data concerning angles of the Capone case handled by their services. Mr. Lewis appeared to be entirely satisfied with this statement and indicated that he would contact Mr. Irey and Colonel Woodcock. He stated he did not believe that the Contempt of Court angle would be of any particular interest but, if so instructed by the New York headquarters, he might return with a request for information concerning the Contempt of Court angle from this Bureau. If he does return, I see no reason why he should not be given a copy of the memorandum furnished Mr. Lait on the Contempt of Court angle of the Capone case. A copy of this memorandum is attached hereto for your information.

Respectfully,

C. A. Tolson.

RECORDED  
&  
INDEXED

JAN 30 1933

|                         |       |
|-------------------------|-------|
| 69-180-138              |       |
| BUREAU OF INVESTIGATION |       |
| JAN 27 1933 P.M.        |       |
| DEPARTMENT OF JUSTICE   |       |
| NATHAN                  | OLEGG |

COPY FILED IN 60-1

UNITED STATES BUREAU OF INVESTIGATION

January 7, 1933.

L.C. 709-180

ALPHONSE CAPONE

CONSPIRACY TO VIOLATE

In the early part of 1929, in the United States Court for the Northern District of Illinois, Federal Judge James H. Wilkerson issued a subpoena for the appearance of Alphonse Capone before the Federal Grand Jury at Chicago on March 12, 1929, to testify in the case entitled UNITED STATES versus D'AMICO, et al, Conspiracy to Violate the National Prohibition Act. This subpoena was served on Capone February 27, 1929, at his home on Palm Island, near Miami, Florida.

On March 11, 1929, Capone entered an appearance in the Federal Court at Chicago through his attorneys and petitioned for a postponement of his appearance in response to the subpoena. With his petition for postponement he submitted to the Court an affidavit executed March 5, 1929, at Miami, Florida, before John F. Spittler, United States Commissioner for the Southern District of Florida, by a practicing physician of Miami, Florida, formerly of Chicago. This affidavit stated that Capone had been ill and under the doctor's professional care since January 13, 1929, and had thereafter been confined to his bed with hepato-pneumonia for six weeks and was now out of bed only ten days prior to March 5, 1929, and that therefore it would be dangerous to Capone's health for him to answer the subpoena in person as required.

Special Agents of the United States Bureau of Investigation, upon request, immediately began an investigation for the purpose of establishing the truth or falsity of the affidavit. This investigation disclosed that between January 13 and March 5, 1929, Capone had frequently attended the races at the Miami Jockey Club, the Hialeah Race Track, Florida, and had frequently appeared in public in apparently good health during the time when the affidavit alleged he was in bed. The investigation revealed further that between January 13 and March 5, 1929, Capone, in addition to having attended the races regularly, had made a trip by boat and another trip by aeroplane from Miami, Florida, to the Bahamas Islands and return.

166

69-180-138



Special Agents of the United States Bureau of Investigation obtained affidavits from five police officials and an employee of the New Miami to the effect that Capone had attended the races on a number of occasions between January 13 and March 5, 1929, at which times he had appeared to be in good health. A pilot for a flying service at Miami, Florida, made an affidavit that on February 3, 1929, he had piloted a certain sea plane from Miami, Florida, to Miami, Bahama Islands, British West Indies, and Nassau, carrying as passengers Al Capone and three other individuals, and that Capone appeared to be in good health during the entire trip.

An affidavit was obtained from an official of a Steamship Line operating between Miami, Florida, and Nassau, Bahama Islands, British West Indies, stating that on February 8, 1929, while checking the passenger lists of one of his company's vessels, he personally observed Alphonse Capone, together with Alfred Capone and several other individuals on the deck of one of the company's boats as it departed for the Bahamas.

An affidavit was obtained from an officer of this same vessel to the effect that Alphonse Capone and his party had sailed aboard his boat from Miami to Nassau on February 8, 1929, and had returned by the same boat from Nassau on February 12, 1929, and that on both trips Alphonse Capone appeared to be in perfect health.

Affidavits were obtained that on February 14, 1929, Alphonse Capone had been questioned for two hours by the County Solicitor for Cook County and an Assistant District Attorney of King's County, New York, in the office of the County Solicitor in the Court House at Miami, Florida, the questions and answers being taken down by a stenographer, and that upon this occasion Capone appeared to be in good health.

The above affidavits, of course, established the falsity of several statements in the affidavit presented to obtain a postponement of Capone's appearance before the Grand Jury at Chicago and served to disprove his contention that he was sick in bed upon certain dates, and was thus too ill to appear in Chicago.

On March 27, 1929, Capone was cited in the Federal Court at Chicago for Contempt of Court for his failure to respond to the subpoena served upon him in Florida ordering his appearance before the Federal Grand Jury at Chicago, and on the same date he was arrested and released under \$5,000 bond.

On May 17, 1929, Capone was arrested in Philadelphia and charged with carrying concealed weapons. He was convicted in the Pennsylvania

167

State Court and sentenced to serve one year in the Eastern State Penitentiary, which sentence he served. At the expiration of this sentence he was arraigned in the Federal Court at Chicago, February 25, 1931, entered a plea of not guilty, and was tried and convicted.

On March 2, 1931, Federal Judge James M. Wilkerson sentenced him to serve six months in the Cook County, Illinois, Jail. His attorneys immediately gave notice of appeal. The United States Circuit Court of Appeals for the Seventh Circuit, on motion of counsel for Capone, dismissed this appeal.

Federal Judge James M. Wilkerson, in sentencing Capone on October 24, 1931, for violation of the Income Tax Laws, provided that Capone's sentence for Contempt of Court should be served concurrently with that for the violation of the Income Tax Laws.

The records of the Identification Division of the United States Bureau of Investigation reflected the following criminal record for Alphonse Capone, in addition to the instant case and his subsequent violation of the Income Tax Laws:

As Alphonse Capone, #B-5496, received Philadelphia County Prison, Holmesburg, Pennsylvania, May 18, 1929; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #90725, arrested Philadelphia, Pennsylvania, Police Department, May 16, 1929; charge suspicious character and carrying deadly weapons.

As Alphonse Capone, #C-5527, received State Penitentiary, Philadelphia, Pennsylvania, August 8, 1929, from Philadelphia; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #3563, arrested Miami, Florida, Police Department, May 8, 1930; charge investigation - vagrancy; released on writ, May 8, 1930.

As Alphonse Capone, #C-23169, arrested Chicago, Illinois, Police Department, February 25, 1931; charge general principles.

As Alphonse Capone, arrested by United States Marshal, Chicago, Illinois, October 30, 1931.

168

GT:AGS

January 18, 1933.

MEMORANDUM FOR THE DIRECTOR.

Mr. McCarthy of the King Features Syndicate advised me yesterday that a Mr. White of the Universal Service in New York City is following up the Capone matter which Mr. McCarthy and Mr. Laid discussed with you recently. Mr. White may come to Washington in this connection and if so he will probably call at the Bureau for the purpose of arranging an appointment with Mr. Irey. You will recall that Mr. McCarthy tried to see Mr. Irey when he was in the city but was unable to do so because of Mr. Irey's absence.

Respectfully,

C. A. Tolson.

ORIGINAL FILED IN

60-1

169

COPY FILED IN

69-180

*Encl*

735 Philadelphia Saving Fund Bldg.,  
Philadelphia, Pa.

RECEIVED

Special Agent in Charge,  
United States Bureau of Investigation,  
201 Liberty National Life Bldg.,  
Birmingham, Ala.

Dear Sir:

The "Philadelphia Evening Bulletin" recently carried a series of articles concerning certain special privileges enjoyed by Al Capone, now incarcerated in the U.S. Penitentiary at Atlanta, Ga.

These articles were supposed to have been written by ex-Convict #35,503, who was alleged to have been sentenced to the Atlanta Penitentiary from Philadelphia, Pa., on the charge of impersonating a Federal officer.

Will you kindly inform this office the identity of ex-Convict #35,503 for our information?

Very truly yours,

H.O. Harvey,  
Special Agent in Charge.

RCH:AO.

cc: Bureau

RECORDED  
&  
INDEXED

FEB 9 1933

69-100-139  
BUREAU OF INVESTIGATION  
FEB 2 1933 I.M.  
Div. Two TFB

TFB:EB  
69-180-139

RECORDED

FEB 9 - 1933

February 8, 1933.

Special Agent in Charge,  
United States Bureau of Investigation,  
735 Philadelphia Saving Fund Building,  
Philadelphia, Pennsylvania.

Dear Sir:

Reference is made to your letter dated February 1, 1933, addressed to the Birmingham, Alabama Bureau office, advising that the Philadelphia Evening Bulletin recently carried a series of articles concerning special privileges enjoyed by Al Capone, now incarcerated in the Atlanta Penitentiary. These articles were supposed to have been written by convict #35503.

Atlanta Penitentiary number 35503 was the number given to Lee E. Molnar alias Hunsicker.

Very truly yours,

Director.

CC-Birmingham.

171  
FEB 8 1933  
U.S. DEPT. OF JUSTICE

171

JOHN EDGAR HOOVER  
DIRECTOR

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

January 7, 1933.

I.C. #69-180

ALPHONSE CAPONE

CONTEMPT OF COURT

In the early part of 1929, in the United States Court for the Northern District of Illinois, Federal Judge James H. Wilkerson issued a subpoena for the appearance of Alphonse Capone before the Federal Grand Jury at Chicago on March 12, 1929, to testify in the case entitled UNITED STATES versus D'AMICO, et al, Conspiracy to Violate the National Prohibition Act. This subpoena was served on Capone February 27, 1929, at his home on Palm Island, near Miami, Florida.

On March 11, 1929, Capone entered an appearance in the Federal Court at Chicago through his attorneys and petitioned for a postponement of his appearance in response to the subpoena. With his petition for postponement he submitted to the Court an affidavit executed March 5, 1929, at Miami, Florida, before John F. Spitler, United States Commissioner, for the Southern District of Florida, by a practicing physician of Miami, Florida, formerly of Chicago. This affidavit stated that Capone had been ill and under the doctor's professional care since January 13, 1929, and had thereafter been confined to his bed with broncho-pneumonia for six weeks and had been out of bed only ten days prior to March 5, 1929, and that therefore it would be dangerous to Capone's health for him to answer the

NOT RECORDED

69-180

172  
m



subpoena in person as required.

Special Agents of the United States Bureau of Investigation, upon request, immediately began an investigation for the purpose of establishing the truth or falsity of the affidavit. This investigation disclosed that between January 13 and March 5, 1929, Capone had frequently attended the races at the Miami Jockey Club, The Hialeah Race Track, Florida, and had frequently appeared in public in apparently good health during the time when the affidavit alleged he was in bed. The investigation revealed further that between January 13 and March 5, 1929, Capone, in addition to having attended the races regularly, had made a trip by boat and another trip by aeroplane from Miami, Florida, to the Bahama Islands and return.

Special Agents of the United States Bureau of Investigation obtained affidavits from five police officials and an employee at the race track to the effect that Capone had attended the races on a number of occasions between January 13 and March 5, 1929, at which times he had appeared to be in good health. A pilot for a flying service at Miami, Florida, made affidavit that on February 2, 1929, he had piloted a certain sea plane from Miami, Florida, to Bimini, Bahama Islands, British West Indies, and return, carrying as passengers Al Capone and three other individuals, and that Capone appeared to be in good health during the entire trip.

An affidavit was obtained from an official of a steamship line operating between Miami, Florida, and Nassau, Bahama Islands, British West Indies, stating that on February 8, 1929, while checking the passenger lists of one of his company's vessels, he personally observed Alphonse Capone, together with Alfred Capone and several other individuals on the deck of one of the company's boats as it departed for the Bahamas.

173

An affidavit was obtained from an officer of this same vessel to the effect that Alphonse Capone and his party had sailed aboard his boat from Miami to Nassau on February 8, 1929, and had returned by the same boat from Nassau on February 12, 1929, and that on both trips Alphonse Capone appeared to be in perfect health.

Affidavits were obtained that on February 14, 1929, Alphonse Capone had been questioned for two hours by the County Solicitor for Dade County and an Assistant District Attorney of King's County, New York, in the office of the County Solicitor in the Court House at Miami, Florida, the questions and answers being taken down by a stenographer, and that upon this occasion Capone appeared to be in good health.

The above affidavits, of course, established the falsity of several statements in the affidavit presented to obtain a postponement of Capone's appearance before the Grand Jury at Chicago and served to disprove his contention that he was sick in bed upon certain dates, and was thus too ill to appear in Chicago.

On March 27, 1929, Capone was cited in the Federal Court at Chicago for Contempt of Court for his failure to respond to the subpoena served upon him in Florida ordering his appearance before the Federal Grand Jury at Chicago, and on the same date he was arrested and released under \$5,000 bond.

On May 17, 1929, Capone was arrested in Philadelphia and charged with carrying concealed weapons. He was convicted in the Pennsylvania State Court and sentenced to serve one year in the Eastern State Penitentiary, which sentence he served. At the expiration of this sentence he was arraigned in the Federal Court at Chicago, February 25, 1931, entered a plea of not

77

guilty, and was tried and convicted.

On March 2, 1931, Federal Judge James H. Wilkerson sentenced him to serve six months in the Cook County, Illinois, jail. His attorneys immediately gave notice of appeal. The United States Circuit Court of Appeals for the Seventh Circuit, on motion of counsel for Capone, dismissed this appeal.

Federal Judge James H. Wilkerson, in sentencing Capone on October 24, 1931, for violation of the Income Tax Laws, provided that Capone's sentence for Contempt of Court should be served concurrently with that for the violation of the Income Tax Laws.

The records of the Identification Division of the United States Bureau of Investigation reflected the following criminal record for Alphonse Capone, in addition to the instant case and his subsequent violation of the Income Tax Laws:

As Alphonse Capone, #B-5496, received Philadelphia County Prison, Holmesburg, Pennsylvania, May 18, 1929; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #90725, arrested Philadelphia, Pennsylvania, Police Department, May 16, 1929; charge, suspicious character and carrying deadly weapons.

As Alphonsus Capone, #C-5527, received State Penitentiary, Philadelphia, Pennsylvania, August 8, 1929, from Philadelphia; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #3563, arrested Miami, Florida, Police Department, May 8, 1930; charge investigation - vagrancy; released on writ, May 8, 1930.

175

As Alphonse Capone, #C-28169, arrested Chicago, Illinois,  
Police Department, February 25, 1931; charge general prin-  
ciples.

As Alphonse Capone, arrested by United States Marshal, Chicago,  
Illinois, October 30, 1931.

C O

U. S. Department of Justice  
Bureau of Investigation  
San Francisco, California  
P. O. Box 507

February 3, 1933.

HRP:BM

Director  
United States Bureau of Investigation  
Washington, D. C.

Dear Sir:

It is my understanding that the Bureau has prepared small sized photographic copies of the fingerprint cards of Alphonse Capone and the DeAutremont Twins.

It is respectfully requested that six copies of each of the above named charts be furnished this office for appropriate distribution to various peace officers in this district.

Very truly yours,

*W. A. Rorer*  
W. A. RORER  
Special Agent in Charge.

File 2-11-33

FEB 14 1933

69-180-140

|                         |      |
|-------------------------|------|
| BUREAU OF INVESTIGATION |      |
| FEB 14 1933 A.M.        |      |
| U. S. DEPT. OF JUSTICE  |      |
| CLEGG                   | FILE |
| EDWARDS                 |      |

17

RECEIVED  
69-120-148

RECORDED

FEB 14 1933

February 13, 1933

Special Agent in Charge,  
United States Bureau of Investigation,  
Post Office Box 907,  
San Francisco, California.

Dear Sir:

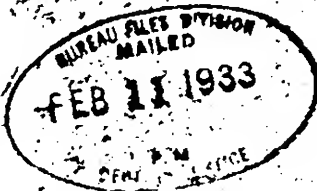
Reference is made to your letter of February 3, 1933, requesting small size photographic copies of the fingerprint cards of Alphonse Capone and the DeLucretio Twins.

There are being prepared at the present time copies of these two particular charts, together with copies of several other similar charts. As soon as they have been completed, copies of all such charts will be forwarded to you.

Very truly yours,

Director.

W. H. D. S.



FEB 14 1933



RECEIVED



U. S. Bureau of Investigation

Department of Justice

735 Philadelphia Saving Fund Building,  
Philadelphia, Pennsylvania.

February 28, 1933.

Director,  
United States Bureau of Investigation,  
Washington, D. C.

Dear Sir:

Harry Bodkin, in charge of the Identification Division, Philadelphia Police Department, would like to have an enlarged photograph of Alphonse Capone, together with a photograph of his fingerprints.

If you consider such action feasible it is kindly requested that a photographic copy of photograph and fingerprints of Capone be forwarded to this office for transmittal to Bodkin, or direct to the Philadelphia Police Department for Bodkin's attention.

Very truly yours,

*R. G. Harvey*  
R. G. HARVEY,  
Special Agent in Charge.

RGH:EPL

*So Div. 10 for enlargement 3/2*

*asker*  
*3-7-33*  
MAR 9 - 1933

|                       |      |
|-----------------------|------|
| 69-180-141            |      |
| MAR 1 1933 A.M.       |      |
| DEPARTMENT OF JUSTICE |      |
| CLEGG                 | FILE |

RMC:RCS

69-180-141

March 7, 1933.

RECORDED

MAR 9 1933

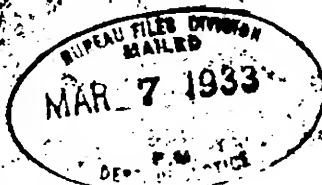
Mr. A. G. Harvey,  
United States Bureau of Investigation,  
735 Philadelphia Saving Fund Building,  
Philadelphia, Pennsylvania.

Dear Mr. Harvey:

With reference to your letter dated February 26,  
1933, requesting a large photograph of the chart showing  
the fingerprints of Alphonse Capone, which you desire for  
Mr. Bedkin, of the Philadelphia Police Department Identifica-  
tion Division, I am pleased to transmit to you, under separate  
cover, this chart for this purpose.

Sincerely yours,

Director.



180

U. S. Department of Justice

**Bureau of Investigation**  
735 Philadelphia Saving Fund Building,  
Philadelphia, Pennsylvania.

March 15, 1933.

Director,  
United States Bureau of Investigation,  
Washington, D. C.

Dear Sir:

I beg to inform that under date of March 8, 1933 I turned over to Harry Bodkin, Superintendent of the Identification Division, Police Department, Philadelphia, Pa., the fingerprint chart forwarded by the Bureau regarding Alphonse Capone. Mr. Bodkin was very pleased to receive this chart and desires that I express my thanks to you for same.

Very truly yours,

*R. G. Harvey*  
R. G. HARVEY,  
Special Agent in Charge.

RGH:AVM

RECORDED  
MAR 17 1933

|                         |                    |
|-------------------------|--------------------|
| 69-180-142              |                    |
| BUREAU OF INVESTIGATION |                    |
| MAR 16 1933 A.M.        |                    |
| DEPARTMENT OF JUSTICE   |                    |
| ELEGG                   | <i>[Signature]</i> |

JOHN EDGAR HOOVER  
DIRECTOR

WHDL:EB

69-180

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

March 17, 1933.

ALPHONSE CAPONE

CONTEMPT OF COURT

*not used  
in view of  
Div. 6 Chart*

In the early part of 1929 a subpoena was issued in the United States District Court of Illinois at Chicago for the appearance of Alphonse Capone as a witness in a Prohibition case. The subpoena was properly served on Capone in Florida. Capone's attorney appeared in Federal Court at Chicago and presented a petition for postponement, presenting an affidavit dated March 5, 1929, to the effect that Capone had been out of bed only ten days prior to March 5, 1929, and that it would be dangerous to his health for him to answer the subpoena in person as required. Special Agents of the United States Bureau of Investigation began an investigation, upon request, to establish the truth or falsity of the affidavit. This investigation disclosed that Capone had attended the races regularly and was apparently in good health during the time the affidavit alleged he was in bed and that he had made one trip by boat and one by airplane to the Bahama Islands and return during the same period. As a result of this investigation Capone was cited for contempt of court in the Federal Court at Chicago and released under \$5,000 bond. Before his hearing on the contempt charge, he was arrested in Philadelphia and given a one year sentence for carrying concealed weapons. On February 25, 1931, he pleaded not guilty to the contempt charge in Federal Court at Chicago, was tried and convicted and on March 2, 1931, was sentenced to serve six months in the Cook County Jail. The United States Circuit Court of Appeals dismissed his appeal on motion of his counsel and the Federal Judge of the United States District Court at Chicago in sentencing Capone on October 24, 1931, for violation of the Income Tax laws, provided that Capone's sentence for contempt of court should be served concurrently with that imposed for violation of the Income Tax laws.

2 Encl. 9B

3  
7

RECORDED

MAY 23 1933

|                  |      |
|------------------|------|
| 69-180-143       |      |
| DEPT. OF JUSTICE |      |
| MAY 10 1933 A.M. |      |
| RECEIVED         |      |
| CLEGG            | FILE |

JOHN EDGAR HOOVER  
DIRECTOR

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

January 7, 1933.

I.C. #69-180

ALPHONSE CAPONE

CONTEMPT OF COURT

In the early part of 1929, in the United States Court for the Northern District of Illinois, Federal Judge James H. Wilkerson issued a subpoena for the appearance of Alphonse Capone before the Federal Grand Jury at Chicago on March 12, 1929, to testify in the case entitled UNITED STATES versus D'AMICO, et al, Conspiracy to Violate the National Prohibition Act. This subpoena was served on Capone February 27, 1929, at his home on Palm Island, near Miami, Florida.

On March 11, 1929, Capone entered an appearance in the Federal Court at Chicago through his attorneys and petitioned for a postponement of his appearance in response to the subpoena. With his petition for postponement he submitted to the Court an affidavit executed March 5, 1929, at Miami, Florida, before John F. Spitler, United States Commissioner, for the Southern District of Florida, by a practicing physician of Miami, Florida, formerly of Chicago. This affidavit stated that Capone had been ill and under the doctor's professional care since January 13, 1929, and had thereafter been confined to his bed with broncho-pneumonia for six weeks and had been out of bed only ten days prior to March 5, 1929, and that therefore it would be dangerous to Capone's health for him to answer the

183

subpoena in person as required.

Special Agents of the United States Bureau of Investigation, upon request, immediately began an investigation for the purpose of establishing the truth or falsity of the affidavit. This investigation disclosed that between January 13 and March 5, 1929, Capone had frequently attended the races at the Miami Jockey Club, The Hialeah Race Track, Florida, and had frequently appeared in public in apparently good health during the time when the affidavit alleged he was in bed. The investigation revealed further that between January 13 and March 5, 1929, Capone, in addition to having attended the races regularly, had made a trip by boat and another trip by aeroplane from Miami, Florida, to the Bahama Islands and return.

Special Agents of the United States Bureau of Investigation obtained affidavits from five police officials and an employee at the race track to the effect that Capone had attended the races on a number of occasions between January 13 and March 5, 1929, at which times he had appeared to be in good health. A pilot for a flying service at Miami, Florida, made affidavit that on February 2, 1929, he had piloted a certain sea plane from Miami, Florida, to Bimini, Bahama Islands, British West Indies, and return, carrying as passengers Al Capone and three other individuals, and that Capone appeared to be in good health during the entire trip.

An affidavit was obtained from an official of a steamship line operating between Miami, Florida, and Nassau, Bahama Islands, British West Indies, stating that on February 8, 1929, while checking the passenger lists of one of his company's vessels, he personally observed Alphonse Capone, together with Alfred Capone and several other individuals on the deck of one of the company's boats as it departed for the Bahamas.

124



An affidavit was obtained from an officer of this same vessel to the effect that Alphonse Capone and his party had sailed aboard his boat from Miami to Nassau on February 8, 1929, and had returned by the same boat from Nassau on February 12, 1929, and that on both trips Alphonse Capone appeared to be in perfect health.

Affidavits were obtained that on February 14, 1929, Alphonse Capone had been questioned for two hours by the County Solicitor for Dade County and an Assistant District Attorney of King's County, New York, in the office of the County Solicitor in the Court House at Miami, Florida, the questions and answers being taken down by a stenographer, and that upon this occasion Capone appeared to be in good health.

The above affidavits, of course, established the falsity of several statements in the affidavit presented to obtain a postponement of Capone's appearance before the Grand Jury at Chicago and served to disprove his contention that he was sick in bed upon certain dates, and was thus too ill to appear in Chicago.

On March 27, 1929, Capone was cited in the Federal Court at Chicago for Contempt of Court for his failure to respond to the subpoena served upon him in Florida ordering his appearance before the Federal Grand Jury at Chicago, and on the same date he was arrested and released under \$5,000 bond.

On May 17, 1929, Capone was arrested in Philadelphia and charged with carrying concealed weapons. He was convicted in the Pennsylvania State Court and sentenced to serve one year in the Eastern State Penitentiary, which sentence he served. At the expiration of this sentence he was arraigned in the Federal Court at Chicago, February 25, 1931, entered a plea of not

5

guilty, and was tried and convicted.

On March 2, 1931, Federal Judge James H. Wilkerson sentenced him to serve six months in the Cook County, Illinois, jail. His attorneys immediately gave notice of appeal. The United States Circuit Court of Appeals for the Seventh Circuit, on motion of counsel for Capone, dismissed this appeal.

Federal Judge James H. Wilkerson, in sentencing Capone on October 24, 1931, for violation of the Income Tax Laws, provided that Capone's sentence for Contempt of Court should be served concurrently with that for the violation of the Income Tax Laws.

The records of the Identification Division of the United States Bureau of Investigation reflected the following criminal record for Alphonse Capone, in addition to the instant case and his subsequent violation of the Income Tax Laws:

As Alphonse Capone, #B-5496, received Philadelphia County Prison, Holmesburg, Pennsylvania, May 18, 1929; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #90725, arrested Philadelphia, Pennsylvania, Police Department, May 16, 1929; charge, suspicious character and carrying deadly weapons.

As Alphonsus Capone, #C-5527, received State Penitentiary, Philadelphia, Pennsylvania, August 8, 1929, from Philadelphia; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #3563, arrested Miami, Florida, Police Department, May 8, 1930; charge investigation - vagrancy; released on writ, May 8, 1930.

126

As Alphonse Capone, #C-28169, arrested Chicago, Illinois,  
Police Department, February 25, 1931; charge general prin-  
ciples.


As Alphonse Capone, arrested by United States Marshal, Chicago,  
Illinois, October 30, 1931.

17

**J. Edgar Hoover, Director**

# Alphonse Capone

[illegible][illegible]

|  |   |
|--|---|
| <p>NEW -<br/>29<br/>Bridg<br/>GENTS</p> <p>Label: Bridg<br/>in both hands<br/>Label: 21 22 23 24</p> |    |
| <p>2. Index Finger</p> <p>3</p>  |    |
| <p>3. Middle Finger</p> <p>13</p>  |  |
| <p>4. Ring Finger</p> <p>11</p>  |  |
| <p>5. Little Finger</p> <p>6</p>   |  |

**6. Final**

## 7. Index Finger

### 8. Middle Finger

### 3. King Fisher

**10. Little finger**

**JD-14**

28

6

15

13

10



10



COPY-der

JSE:GAT

September 5, 1933

MEMORANDUM FOR THE DIRECTOR

Mr. Joseph B. Keenan, Special Assistant to the Attorney General, called at my office this morning and stated he had just met Mr. Pierson Hall, United States Attorney from Los Angeles, and wondered if we had any information upon the case at Los Angeles which was reported to the Department through a Mr. Kegley, Bureau file 762-29339, attached. I, not being familiar with the case, called Mr. Hughes, who informed me of the facts in the case, and they were communicated to Mr. Keenan. He stated he would have a further talk with Mr. Hall before Hall leaves Washington. He also at this time asked me if he could have a photographic copy of the fingerprints of Alphonse Capone, particularly the side showing the number of arrests and releases, together with one or two other cards from the Identification Unit, to be used in a speech by the Attorney General on September 11. I immediately called Mr. Edwards but in his absence talked to Mr. Schilder and requested that this information be furnished so that I could deliver the same to Mr. Keenan about noon Friday.

Respectfully,

J. E. Keen.

RECORDED  
&  
INDEXED

SEP 7 - 1933

|            |      |
|------------|------|
| 69-180-144 |      |
| SEP 7 1933 |      |
| Unit One   | FILE |

ORIGINAL FILED IN 62-29339

REC:RCB

May 19, 1933.

MEMORANDUM FOR THE DIRECTOR

Mr. Parrish completed his examination of the charts. He others were recommended for exclusion from the exhibit in addition to the Almer Siegal and ex-congressman bribery case which he originally recommended be withheld. He indicated that there was always a likelihood of some question coming up, particularly on the part of friends of Alphonse Capone and others whose photographs were being shown; that in the case where some of the individuals on the charts had been released from jail, even though they had a long previous record, there was a chance also that they might raise some objection, in which event he recommended that the chart objected to be immediately withdrawn and another one substituted. He said there was likewise a possibility that some of them might endeavor to take some such action on the basis that they were being held up for public ridicule, but he thought that their grounds for such action were probably not good. He felt the Bureau would be justified in taking the chance, with speedy action as to substitutions in the event complaints were made.

Respectfully,

H. E. Clegg.

NOT RECORDED

69-180

190  
H



|             |       |
|-------------|-------|
| Mr. Nathan  | ..... |
| Mr. Tolson  | ..... |
| Mr. Clegg   | ..... |
| Mr. Edwards | ..... |
| Mr. Egan    | ..... |
| Mr. Hughes  | ..... |
| Mr. Loomis  | ..... |

September 12, 1933.

MEMORANDUM OF TELEPHONE CALL.

Mr. Keenan inquired whether I would have any objection to the Chicago papers taking a photostat of the picture and record of Alphonse Capone. I cited the instance of the time that one of the New York papers published this material and Capone registered a very vigorous protest to the Superintendent of Prisons of what he called infringing upon his privacy, and Mr. Bates was rather indignant that the photograph and prints had been given out. I advised that personally I could see no objection but suggested that he contact Mr. Bates before taking any steps in this regard.

Mr. Keenan further stated that United States Attorney Hall from Los Angeles had just called at his office and advised that he had received a telegram from the NRA group in Los Angeles in which it was stated that there is a nuisance racket going on there of people who rent three or four rooms, have a telephone installed, sell NRA stickers and indirectly represent themselves to be Government agents, although they do not say in so many words that they are. Mr. Hall requested that Mr. Dunn be assigned to bring in these individuals to his office and let him, Mr. Hall, talk with them. I advised that personally I would be glad to so assign Mr. Dunn but suggested that he talk with Mr. Parrish before taking any steps as there has been quite a controversy about NRA investigative jurisdiction and we have been ordered by the Department to leave all such investigations to the NRA and take no part therein, but that if Mr. Parrish gives permission I would be glad to have Mr. Dunn cooperate.

RECORDED  
&  
INDEXED

SFP 21 1933

|                        |      |
|------------------------|------|
| 69-180-145             |      |
| SEP 20 1933            |      |
| U. S. DEPT. OF JUSTICE |      |
| Mr. Tolson             | FILE |

Wint...  
9-14-33  
K...  
9-15-33  
442

RECORDED COPY FILED IN

91

WITKINHOUSE 8237

Mal. 3736



DEPT. OF JUSTICE  
BOARD OF PARDONS  
PAROLE SUPERVISION  
DISTRICT NO. 1

ROOM 309 KEYSTONE BUILDING  
BROAD & VINE STS., PHILA., PA.

ROOM 1202  
MKT. ST. NATL. BANK BLDG.  
JUNIPER AND MARKET STS.  
PHILADELPHIA

COMMONWEALTH OF PENNSYLVANIA



DEPARTMENT OF JUSTICE  
BOARD OF PARDONS

ROOM 309 KEYSTONE BUILDING  
BROAD & VINE STS., PHILA., PA.

November 25th, 1933

PAROLE DISTRICT OFFICE NO. \_\_\_\_\_

69-180-146

United States Bureau of Investigation  
Washington, D. C.

Gentlemen:

Will you please send the writer one photograph  
No. 32-14, called Explanation of Fingerprint  
Classification of Alphonse Capone.

Very truly yours,

*Clinton Butler*

Clinton Butler

CB:W

*ack  
12-4-33  
JCS*

*1 Encl  
ms  
AM*

RECORDED

DEC 6 1933

|                             |
|-----------------------------|
| 69-180-146                  |
| DIVISION OF INVESTIGATION   |
| DEC 5 1933                  |
| U. S. DEPARTMENT OF JUSTICE |

102

LCS:AM

December 4, 1933

69-180-146

RECORDED  
&  
INDEXED

DEC 6 1933

Mr. Clinton Butler,  
Field Agent,  
Board of Pardons,  
Department of Justice,  
Room 308 Keystone Building,  
Broad and Vine Streets,  
Philadelphia, Pennsylvania.

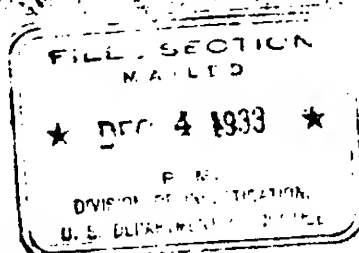
Dear Sir:

In reply to your letter of November 25, 1933, I am  
pleased to enclose for your information a copy of the chart  
prepared in this Division reflecting the explanation of the  
fingerprint classification assigned to the fingerprint impressions  
of Alphonse Capone.

Very truly yours,

Director.

Encl. #375011



7 193

The National Daily

TUESDAY—OCTOBER 17

# CAPONE BECOMES FINE TENNIS PLAYER

Forger Who Was One  
Of His Net Mates  
Gives Report

NEW YORK, Oct. 17.—"Scarface Al" Capone, still optimistic about getting out of Atlanta, Ga., Federal prison without serving his full 11-year sentence for income tax law evasion, has developed into a "crackerjack" of a good tennis player, as well as a model prisoner.

The first authentic report of the Chicago "Big Shot's" activities behind the walls of the Southern Institution was brought to New York today by one of the "Scarface One's" erstwhile "net mates"—a forger, who completed his term and intends "going straight."

## A "Sore Loser"

As a tennis player, however, Capone is a decided "sore loser," according to his friend. On more than one occasion when luck was against him, he showed this by cracking his racket across his knee.

Of course, it was pointed out, this was Capone's prerogative, inasmuch as he pays for his own racquets, as do most of the Federal prisoners within the jail, who go in for "sports."

The Windy City racket czar tried to make the prison baseball nine soon after his arrival there,



AL ("SCARFACE") CAPONE

but was entirely too heavy—too slow on bases.

## Hopes For Change

He is regularly employed in the prison shoe repair shop, where he labors a full eight hours every day, but he has visions of an easier assignment in the cotton "duck mills," where prisoners are awarded an extra "two days off a month" for good work and continued good behavior.

His tennis playing occurs during the regular prison recrea-

Al Gets "Sore" When  
He Loses, Breaks  
His Racket

tional period—1½ hours a day, weekdays, and Saturday and Sunday afternoons.

Despite his wealth, Capone neither receives, nor has he sought any special favor at the hands of Warden A. C. Aderhold, who, if anything has held Capone a little closer down to actual regulations simply because of fear of adverse public opinion.

## Gets No Favors

Of recent months, Capone has had a "break," so far as friendship is concerned, however, because of the presence of Terry Druggan, another Chicago "Big Shot," who recently was transferred to Atlanta from the Fort Leavenworth, Kan., Federal prison.

*This kind gets more recreation than we do. No wonder prison walls fail to instill fear.*

*The newspaper boys still make a hash out of Al.*

NOT RECORDED

69-180

*WHDG file 47*

JOHN EDGAR HOOVER  
DIRECTOR

Division of Investigation

U. S. Department of Justice  
Washington, D. C.

December 22, 1933.

HN:DCS

Mr. Nathan.....  
Mr. Tolson.....  
Mr. Clegg.....  
Mr. Edwards.....  
Mr. Egan.....  
Mr. Hughes.....  
Mr. Quinn.....  
Mr. Lester.....  
Mr. Locke.....

MEMORANDUM FOR THE DIRECTOR.

Mr. Cusack, of the Universal Service, called and wanted to know if we knew anything about Al Capone being transferred to Leavenworth. I told him I had heard nothing about it and arranged for Mr. Cusack's transfer to Mr. Bates.

Very truly yours,

H. Nathan.

RECORDED  
&  
INDEXED

69-180-147

DEC 23 1933

DEC 27 1933

FILE

7m  
P. O. BOX # 987,  
PITTSBURGH, PA.

Special Agent in Charge,  
Division of Investigation,  
U. S. Department of Justice,  
1900 Bankers Building,  
Chicago, Illinois.

Dear Sir:

The County Detective office, which has always given us the fullest cooperation, desires information pertaining to Frank Nitti of the Capone organization. Can you ascertain from informants in Chicago if Nitti is now in Pittsburgh; his Pittsburgh address; who accompanied him and send photographs, if available, of the men with him? It is believed that Nitti is connected with the recent dynamiting of motion picture houses in Pittsburgh and is being assisted by three Italians who accompanied him from Chicago. One of the three, "Johnny", last name unknown, is about 5'2" tall, has a flat nose, looks like an ex-pugilist; the other two, names unknown, are both approximately the same. Witnesses here may be able to identify photographs of the latter two.

Very truly yours,

J. A. HANCOCK, Acting  
Special Agent in Charge.

RJC:Y  
62-0-434  
cc Division

INDEXED

69-180

|                           |    |
|---------------------------|----|
| DIVISION OF INVESTIGATION |    |
| MAY 28 1934 A.M.          |    |
| U. S. DEPT. OF JUSTICE    |    |
| One                       | RE |

176

7  
JHE:ECB

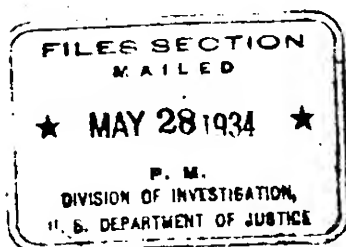
May 28, 1934.

Mr. J. A. Dowd,  
Division of Investigation,  
U. S. Department of Justice,  
303-a U. S. Court House and  
Post Office Building,  
Salt Lake City, Utah.

Dear Sir:

I have received confidential information to the effect that Mrs. Alphonse Capone, Sr., wife of Al Capone, has established a residence in Reno, Nevada, with a view of divorcing her husband. I do not know whether there is any foundation to this statement, but when an Agent of your office is next in Reno, I would like to have you make such inquiries as you can discreetly and diplomatically, to determine whether there is any foundation to this story.

Very truly yours,



Director.

RECORDED  
&  
INDEXED

69-180-148  
DIVISION  
29 1934 P.M.  
U. S. DEPARTMENT OF JUSTICE  
FILE

DIVISION OF INVESTIGATION

From: UNIT #1

1934.

To: ☐ Director  
☐ Mr. Nathan  
☐ Mr. Tolson  
☐ Mr. Edwards  
☐ Unit Two  
☐ Unit Four  
☐ Files Section  
☐ Personal File Section  
☐ Equipment Section  
☐ Chief Clerk's Office  
☐ Unit Five  
☒ Identification Unit  
☐ Statistical Section  
☐ Technical Laboratory  
☐ Mr. Nathan  
☐ Mr. Tolson  
☐ Mr. Clegg  
☐ Mr. Baughman  
☐ Chief Clerk  
☐ Mr. Coffey  
☐ Mr. Keith  
☐ Mr. Listerman  
☐ Mr. Quinn  
☐ Mr. Tamm  
☐ Mr. Abbaticchio  
☐ Mr. Cowley  
☐ Mr. Little  
☐ Mr. Listerman  
☐ Mr. Lott  
☐ Mr. Lowdon  
☐ Mr. Newby  
☐ Mr. Rosen  
☐ Mr. Schroeder  
☐ Mr. Smith  
☐ Miss Gandy  
☐ Mrs. Kelley  
☐ Washington Field Office  
☐ Stenographic Pool  
☐ Secretary  
☐ Correct  
☐ Re-write  
☐ Re-date  
☐ See me  
☐ Send file.

E. A. TAMM

118



DIVISION  
**U. S. Bureau of Investigation**  
Department of Justice

503A U.S. Court House & P.O. Bldg.,  
Salt Lake City, Utah.  
July 12, 1934.

Director,  
Division of Investigation,  
U.S. Department of Justice,  
Washington, D.C.



Dear Sir:

Under date of May 28, 1934, you wrote me to the effect that you had received confidential information that Mrs. Alphonse Capone, Sr., wife of Al Capone, had established a residence in Reno, Nevada, with a view of divorcing her husband. You asked that when an agent was next at Reno, that such inquiries as can be discreetly and diplomatically made, should be made to determine whether there was any foundation to the story.

On July 7, 1934, Special Agent J.F. O'Connell of this office, while at Reno, Nevada, interviewed Postmaster W.E. Kinnikin, who stated that he had heard nothing of the matter, and had not heard that Mrs. Alphonse Capone Sr., was receiving mail at Reno. If Mrs. Capone is, or has been at Reno for the purpose referred to, it is quite probable that she would be living under an assumed name, with her identity known only to her attorney, while if she had instituted a suit for divorce she would, of necessity, file complaint under her right name, and as soon as filed, the newspapers at Reno would learn it and publish it, as is their practice. It is a daily routine matter for representatives of the newspapers at Reno to learn the identities of the persons filing suits for divorce.

If the Division wishes this matter pursued further at Reno, I suggest that the Division, through its Jacksonville or Chicago Division offices, in which territory Mrs. Alphonse Capone Sr. is said to have resided in the past, endeavor to determine her last known address, and then make such inquiry as is possible for the purpose of determining if she has been absent from that place, and if so where.

Either one or both of these offices might also learn the name and address of the Attorney who has represented her interests in the past, and through some contact with the office of the attorney, determine the accuracy or inaccuracy of the information relating to any contemplated divorce on her part.

Very truly yours,

*John A. Dowd*  
JOHN A. DOWD,  
Special Agent in Charge.

JAD:J

RECORDED

INDEXED

69-180-149

JUL 16 1934

199

FILE

JOHN EDGAR HOOVER  
DIRECTOR

Division of Investigation

U. S. Department of Justice  
Washington, D. C.

LCS:EP

July 16, 1934.

|              |       |
|--------------|-------|
| MR. TOLSON   | ..... |
| MR. NATHAN   | ..... |
| MR. CLEGG    | ..... |
| MR. COWLEY   | ..... |
| MR. EDWARDS  | ..... |
| MR. GAN      | ..... |
| MR. QUINN    | ..... |
| MR. BAUGHMAN | ..... |
| MR. CLAVIN   | ..... |
| MR. LAMM     | ..... |
| MR. LESTER   | ..... |
| MR. WELLS    | ..... |
| MR. GERT     | ..... |

MEMORANDUM FOR MR. TOLSON.

This morning Colonel Gates telephoned and asked me whether we had any information available as to the age of Al Capone. I informed the Colonel that the fingerprint card reporting Capone's incarceration in the Atlanta Penitentiary gave his date of birth as January 17, 1899. I told Colonel Gates I could not vouch for the accuracy of this date and suggested he might want to make further inquiries. He thanked me for the information.

Respectfully,

*L. C. Schilder*

L. C. Schilder.

RECORDED  
&  
INDEXED

JUL 21 1934

*Memo Schilder*  
*7-19-34*

|                        |      |
|------------------------|------|
| 14-180-150             |      |
| DIVISION               |      |
| JUL 20 1934            |      |
| U. S. DEPT. OF JUSTICE | FILE |

CT:LC

July 19, 1934.

RECORDED

W  
69-180-150

MEMORANDUM FOR MR. SCHULDER

With respect to your memorandum dated July 16, 1934, concerning information given Colonel Gates of the Department regarding Al Capone, you are advised that all requests for information for publicity purposes from any source should be referred to me or to Mr. Tolson, Assistant Director. Under no circumstances should information be given to parties over the telephone concerning official matters which are clearly for press purposes.

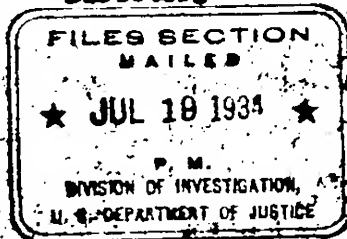
Please call this instruction to the attention of the supervisory personnel in the Identification Unit.

Very truly yours,

cc - Mr. Edwards

John Edgar Hoover,  
Director.

|                    |
|--------------------|
| Mr. Nathan .....   |
| Mr. Tolson .....   |
| Mr. Clegg .....    |
| Mr. Baughman ..... |
| Chief Clerk .....  |
| Mr. Coffey .....   |
| Mr. Cowley .....   |
| Mr. Edwards .....  |
| Mr. Egan .....     |
| Mr. Harbo .....    |
| Mr. Keith .....    |
| Mr. Lester .....   |
| Mr. Quinn .....    |
| Mr. Tamm .....     |



RECORDED

201

JEH:HCB

August 21, 1934.

**MEMORANDUM**

Mr. Holtzoff, of the Department, telephoned today and inquired if I had any means of sending a confidential message to Mr. Carusi since he did not care to send it by public telegram. I suggested that it might be transmitted in our code to Mr. Clegg, for transmittal to Mr. Carusi. Mr. Holtzoff stated his attention had been called to the fact that the Attorney General is being quoted to the effect that Capone is not being transferred to Alcatraz. Mr. Holtzoff said that since this is not a fact he wanted to "head him off" from making such a statement. I then suggested, in order to save time, that I call Mr. Clegg at San Francisco on our direct wire and give him this message. Mr. Holtzoff remarked that he understood the shipment is due to arrive out there Wednesday morning and that Capone is in that shipment. I stated that the shipment is due to arrive at 10:30 tomorrow morning. Mr. Holtzoff was perfectly agreeable to my conveying the message to Mr. Clegg by long distance. I told him I would take care of it right away.

I immediately telephoned the San Francisco Office and instructed Mr. Guinane to get in touch with Mr. Clegg at his hotel and have him call me back.

Mr. Clegg called and I advised him that I had been informed by Mr. Holtzoff that the Attorney General is being quoted in this part of the country to the effect that "the big boy of Chicago" is not being taken to Alcatraz. I asked if the Attorney General had made such a statement. Mr. Clegg said that he had not; that he, Mr. Clegg, received a call last night from the Associated Press, stating that they were going to broadcast that information as having been given to a reporter for the San Francisco Chronicle; that he, Mr. Clegg, stated at that time that he desired that they wait until he could see the Attorney General; that he saw the Attorney General, who gave them the message that he is not making any statement; that he had not and would not make any statement about that situation. I told him that we feared here that perhaps he had made such a statement, whereas as a matter of fact Capone is going to Alcatraz. Mr. Clegg remarked that he believed the Attorney General knows Capone is going to Alcatraz. I stated that we wanted to get this word to him because we did not want him to be embarrassed, and Mr. Holtzoff was somewhat concerned since the dispatch was being carried in this part of the country. Mr. Clegg said he had been informed by the Associated Press that the Attorney General would be quoted in this way. I explained that Capone is included among those due to arrive tomorrow, and that we didn't want the Attorney General to be taken by surprise. I stated that the train was due to arrive tomorrow evening, but it is running ahead of schedule, and will arrive at 10:30 tomorrow morning. I remarked that Mr. Gus Jones is with the train.

RECORDED

69-140-151

AUG 23 1934

AUG 23 1934

ORIGINAL FILED IN 69-140-151

SANFORD BATES  
DIRECTOR

DEPARTMENT OF JUSTICE  
BUREAU OF PRISONS  
WASHINGTON

March 12, 1935.

MEMORANDUM FOR THE FEDERAL BUREAU OF INVESTIGATION

In order that we may check up on certain letters requested to be sent out by Alphonse Capone, will you kindly advise what the records of your Bureau reflect as to one [REDACTED], recently deceased in Chicago, - including the possible connections as a gangster with Alphonse Capone and his associates - and oblige.

|                   |
|-------------------|
| Mr. Nathan.....   |
| Mr. Tolson.....   |
| Mr. Backus.....   |
| Mr. Baughman..... |
| Chief Clerk.....  |
| Mr. Clegg.....    |
| Mr. Coffey.....   |
| Mr. Edwards.....  |
| Mr. Egan.....     |
| Mr. Harbo.....    |
| Mr. Keith.....    |
| Mr. Lester.....   |
| Mr. Quinn.....    |
| Mr. Schilder..... |
| Mr. Smith.....    |
| Mr. Tamm.....     |
| Mr. Tracy.....    |
| Miss Gandy.....   |
| .....             |
| .....             |

*Sanford Bates,*  
Director.

RECORDED  
&  
INDEXED

9361 92

11/100 3/27/35  
pg 7

See 31-4530-1-2

69-180-152  
DIVISION OF INVESTIGATION  
MAR 21 1935  
TAMM  
QNL

PEF:CSH  
31-4590

March 20, 1935

69-180-152

RECORDED  
&  
INDEXED

MEMORANDUM FOR THE DIRECTOR, BUREAU OF PRISONS

[Reference is made to your memorandum of March 12, 1935, requesting that this Bureau furnish you with information as to one [redacted], including any possible connections that he might have with Alphonse Capone and his associates. The Bureau's files disclose the following information relative to one Frank Reo, whose true name is Frank Klien and who may possibly be identical with the individual to whom you refer:

During the year 1923 the Bureau conducted an investigation in a White Slave Traffic Act case in which one Nick Lundén was charged with having transported a woman by the name of Margaret Heiboldt from Milwaukee, Wisconsin to Chicago, Illinois. The victim in this case stated that upon arrival in Chicago, Lundén contacted an Italian by the name of Frank Reo, who she stated had a police record in Chicago and who was associated with a number of houses of ill fame. Frank Reo then transported the victim in an automobile from Chicago, Illinois to a roadhouse located at Posen, Illinois.

Information was received from a Lieutenant Grady of the Detective Bureau, Chicago Police Department, to the effect that he was particularly familiar with the activities of Frank Reo, and that he had been arrested several times on charges of burglary, general suspicion and other charges. Lieutenant Grady advised that Frank Reo was an alias of this individual and that his correct name was Frank Klien. It also appears that Detective Sergeant O'Malley of the Chicago Police Department was familiar with Frank Reo.

Inasmuch as Reo was not indicted by the Federal Grand Jury in this matter, the Bureau's files contain no further information with reference to him.

Very truly yours,

John Edgar Hoover,  
Director.

FILE SECTION  
MAILED  
\*2 copies  
APR 10 1935  
P. M.  
DIVISION OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

204

Post Office Box 412,  
Chicago, Illinois.

April 12, 1935

Special Agent in Charge,  
Pittsburgh, Pennsylvania

Dear Sir,

On May 27, 1934, a letter from Mr. E. A. Bangert, Acting Special Agent in Charge was received requesting certain information with respect to one Frank Nitti of the Capone organization, and desiring to know whether or not Nitti was in Pittsburgh, Pennsylvania.

I have to advise that this Office has been unable to ascertain the whereabouts of Nitti during the time referred to in your letter. However, attached hereto will be found a photograph of Nitti, together with one Joseph Coscino, and same is being forwarded to you for whatever purpose it may serve.

Very truly yours,

M. H. PURVIS,  
Special Agent in Charge

TAM:rec  
Enc.  
CC-Bureau  
L-8

RECORDED  
&  
INDEXED

69-180-159  
DIVISION OF INVESTIGATION

APR 20 1935

TWO  
ONE  
huts

205



LWB:EBG

April 27, 1935.

RECORDED

69-180-154

MEMORANDUM FOR THE DIRECTOR, BUREAU OF PRISONS

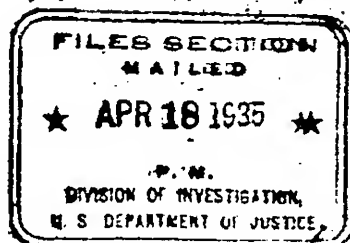
Receipt is acknowledged of your memorandum dated April 13, 1935, inclosing a letter dated April 8, 1935 from J. A. Johnston, Warden of the United States Penitentiary, Alcatraz Island, California, relative to a telegram addressed to "Al" Capone by [redacted]. This matter has been referred to the New York Office of the Bureau for appropriate attention.

The letter from [Jarden Johnston] is being returned herewith, inasmuch as a copy has been retained for the Bureau's file.

Very truly yours,

John Edgar Hoover,  
Director.

Inclosure 301644.





April 17, 1935

LMB:EBQ

RECORDED

67-180-154

Special Agent in Charge,  
New York, New York.

Dear Sir:

The Bureau has been advised that the following is  
a copy of a telegram addressed to "Al" Capone at the Federal  
Prison, Alcatraz Island, California, but same was not delivered  
to him:

[REDACTED]

Bureau of  
Prisons

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Bureau desires that the information contained in  
the above telegram be checked to determine by whom the telegram  
was sent and what significance may be attached thereto.

Very truly yours,

John Edgar Hoover,  
Director.

FILES SECTION  
MAILED  
★ APR 17 1935 ★  
P. M.  
DIVISION OF INVESTIGATION,  
U. S. DEPARTMENT OF JUSTICE

EX-100  
APR 18 1935  
U. S. DEPT. OF JUSTICE

*for E.C.*

U  
C  
LMB:KDG

RECORDED

69-1805454

MEMORANDUM FOR THE DIRECTOR, BUREAU OF PRISONS

Receipt is acknowledged of your memorandum dated April 13, 1935, including a letter dated April 8, 1935, from [REDACTED] Bureau of Prisons

The letter from [REDACTED] is being returned herewith, inasmuch as a copy has been retained for the Bureau's file.

Very truly yours,

John Edgar Hoover,  
Director.

Inclosure 301644.

FILES SECTION  
MAILED

★ APR 18 1935 ★

P. M.  
DIVISION OF INVESTIGATION,  
U. S. DEPARTMENT OF JUSTICE

28

MAY - 9 1935 PM

Post Office Box 812  
Chicago Illinois

Per

May 7, 1935

AIR MAIL  
SPECIAL DELIVERY

Special Agent in Charge  
Dallas, Texas

Dear Sir:

Please be advised that

[redacted] Chicago, Illinois, called at the Chicago Bureau Office today at which time he furnished a letter received by him from [redacted] of Mount Pleasant, Texas. This letter is being forwarded to your Office herewith and is self-explanatory; photostatic copies of the same have been made, two of which are being forwarded to the Bureau with its copy of this letter.

b7c  
b7D

[redacted] advised that he does not know [redacted] and has no idea as to why she directed a letter to him inasmuch as he has no knowledge or contacts concerning Al Capone or any member of the Al Capone gang.

It is to be noted from the contents of the letter that the writer, [redacted] may be referring to some actual kidnaping or it is possible that she may be referring to the possibility of conducting a kidnaping whereby financial compensation may be received as well as the release of Capone from the Penitentiary.

Upon receipt of the above letter the Bureau was telephonically advised of the same and Mr. Tamm of the Bureau suggested that the original be forwarded to your Office for assistance in conducting an investigation concerning [redacted] at Mount Pleasant, Texas. Mr. Tamm suggested that if the circumstances permitted, an interview with [redacted] should be made under suitable pretext.

WVA 10833

RECORDED & INDEXED

Very truly yours

69-180-153  
DIVISION OF INVESTIGATION

MAY 13 1935

MAY 9 1935

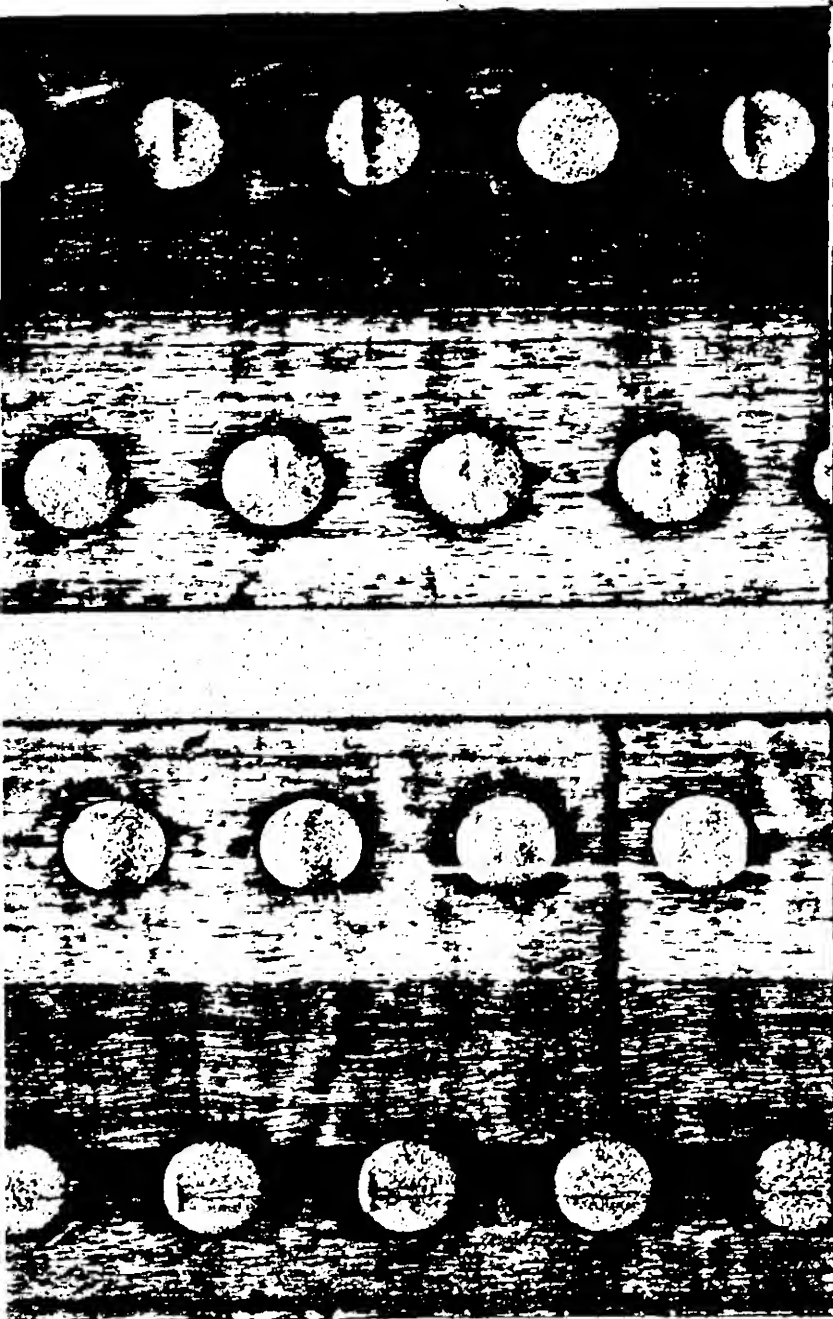
M. H. PURVIS,  
Special Agent in Charge

VCE:MP  
Enc.  
cc Bureau - Enc.

4 ENC - [redacted] [redacted]

Sub [redacted]

209



Food Shop.  
1347 N. Dearborn.  
Chicago, Ill.



62 210

MT. PLEASANT, TEXAS

May 1, 1935

Al's Food Shop.  
1347 N. Dearborn.  
Chicago, Ill.

Dear Sir:

I wish to get in touch with a close relative or friend of Mr. Al Capone. I would, I believe, receive a communication from such a person at my residence mail box, Route no. , Mt. Pleasant, Tex. The number of the house is . I could see a representative of Mr. Capone here or in New York City if I can arrange to leave here as I wish to visit my sister there.

I have a kidnapping case which is bigger than the Lindbergh case and, if managed properly, will secure Mr. Capone's liberty. I will also compensate those assisting me financially.

I shall look forward to hearing from you soon.

Very truly yours,

Miss

Route no.



# FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1

THIS CASE ORIGINATED AT **NEW YORK CITY**

**N.Y.**

FILE NO. **69-180-156**

|  |   |   |   |
|--|---|---|---|
| REPORT MADE AT:<br><b>NEW YORK CITY</b>  | DATE WHEN MADE:<br><b>5/10/35</b>   | PERIOD FOR WHICH MADE:<br><b>4/6/35</b>         | REPORT MADE BY:<br><b>A. J. [illegible]</b> |
| TITLE: <b>HENRICH KARL LOGSMAN, aliases; Henry Logsmann, Henry Logsmann, John Logsmann, Alex Logsmann, Alex Logsmann, [illegible], Harry Logsmann.</b>   |   |   |   |
| SYNOPSIS OF FACTS:<br>Western Union telegram to "Al" Capone, Federal Prison, Alcatraz Island, Calif., on 4/6/35 requesting \$1,000, was sent by an unknown party from a Western Union office in Bronx, N.Y. Investigation at Ellis Island disclosed that Subject Logsmann, Northeastern Penitentiary #1278, was deported to Germany on 3/8/35. Apparently he caused the telegram to be sent to Capone in order to obtain money to be used as attorney fees in arguing his case on a writ in the Southern District of New York sometime during April, 1935. |   |   |   |
| REFERENCE: Bureau letter dated April 7, 1935.  |   |   |   |
| DETAILS: In the reference letter the Bureau advised that on April 5, 1935, a Western Union telegram addressed to "Al" Capone was received at the Federal Prison, Alcatraz Island, California, requesting \$1,000.00. The said telegram was signed "Henry Logsmann". The telegram further advised that the sender was being kept at Ellis Island for deportation and that the money should be sent to Henry Logsmann, Ellis Island, Deportation Division, Room #18. Logsmann advised Capone he would sail April 10, 1935.                                   |   |   |   |
| APPROVED AND FORWARDED:<br><i>R. Whitley</i><br>SPECIAL AGENT IN CHARGE  | RECORDED AND INDEXED<br><b>69-180-156</b><br><b>MAY 18 1935</b>                           |   |   |
| COPIES OF THIS REPORT FURNISHED TO:<br>3 - Bureau<br>3 - San Francisco (Information only)<br>2 - New York<br><i>10 Director's Personal File</i><br><i>5-21-35</i>  | BUREAU OF INVESTIGATION<br><b>MAY 11 A.M.</b><br>DEPARTMENT OF JUSTICE<br>ROUTED TO: FILE |   |   |
|  |   | CHECKED OFF:<br><b>MAY 23 1935</b><br>JACKETED: |   |

N.Y. 62-5462

and he would see him in the month of July. He said that he had seen Marie Gordon, Jack Quack, Morris Kleinman, and the rest of the boys."

Herbert H. Stark, Attorney at Law, Eastern Telegraph Company, 60 West Street, New York City, was interviewed and checked the telegraph records which disclosed that the aforementioned telegram was hand printed and sent from the Eastern telegraph office at 480 East 149th Street, Bronx, New York, on April 8, 1935 at 8:54 P.M. Mr. Goodbody and Miss Keating, clerk and operator of the aforementioned office, advised Mr. Stark over the telephone that they could not recollect who sent this message. The only information they had was that the given address of Henry Logemann was "Deportation Division, Ellis Island, New York".

In the case entitled ERNO ERICH HAUFMANN, with aliases; Kidnaping and Murder of Charles A. Lindbergh, Jr., New York File #62-8037, it was noted that Henry Logemann, identical with the party who was held at Ellis Island for deportation, was mentioned frequently with the Gaston B. Means phase of this case. The file reflects that he had given information relative to Means, which he obtained while an inmate of the United States Northeastern Penitentiary at Lewisburg, Pa. The file in general reflects that this man Logemann is very unreliable. His number at the United States Northeastern Penitentiary was 1275, and the file disclosed that he had quite a lengthy criminal record.

Mr. Philip Foreman, Inspector in Charge, Deportation Division, Immigration Service, Ellis Island, New York, was interviewed, identified the photograph of Henry Logemann, United States Penitentiary #1275, and from the files on this man obtained the following information:

That his true name is Heinrich Karl Logemann; that he is also known to the Immigration authorities under the aliases set out in the title of this case. Logemann was delivered from the United States Penitentiary at Lewisburg, Pennsylvania to Ellis Island, New York on February 22, 1935 under a deportation warrant issued May 16, 1934. That Logemann was sentenced subsequent to the act of May 1, 1919 to imprisonment for more than once for a term of one year or more, while an alien, and for a crime involving moral turpitude, to wit: larceny by check and the passing and possessing of counterfeit bills. The Immigration records further disclosed that Logemann, who is of German birth, last arrived in the United States on February 2, 1931 on the S/S Mageburg. During his incarceration at Ellis Island Logemann had only one visitor and that was his wife, Tessie Logemann, who resides

N.Y. 62-5462

at 27 Geneva Street, Elizabeth, New Jersey. She visited him on April 1, 2, 3 and 30, 1935. Mr. Foreman further advised that Logemann sailed on the Deutschland of the North German Lloyd Line for Europe Germany on May 3, 1935.

With reference to the telegram mentioned in the reference letter, Mr. Foreman stated that while Logemann was incarcerated at Ellis Island awaiting deportation he, Foreman, received confidential information that while Logemann was an inmate of the New York State Penitentiary at Lewisburg, he contacted there one Eli Goldsmith who was then serving two years for immigration fraud. Prior to Goldsmith's conviction in the United States District Court, Southern District of New York, Mr. Foreman states that Goldsmith handled immigration matters although he was not an attorney; that while Logemann was on Ellis Island awaiting deportation, Goldsmith endeavored to get on the Island to see him and that a short time thereafter an attorney named Maurice B. Gladstone, who is also a Certified Public Accountant and has offices at 11 W. 42nd Street, New York City, argued Logemann's case on a writ before the United States District Court, Southern District of New York. In this case Mr. Ritter, Assistant United States Attorney, represented the government.

Mr. Foreman further advised that Eli Goldsmith is connected with Gladstone, and it is therefore apparent that Goldsmith sent the telegram mentioned in the reference letter, on the suggestion of Logemann in order to raise attorney's fees to fight his case which was argued on a writ in the Southern District of New York sometime during the month of April, 1935.

CLOSED



Chief J. E. H.

Bureau of Investigation  
Washington, D. C.

End  
Skipper:-

ANONYMOUS COMMUNICATION  
KEEP ENVELOPE ATTACHED

Keep your skull away from the

Riffs.

Storms are brewing. It was no surprise to me on the outcome of the ex stepping out. Something very mysteriously are brewing. I stay at the light house to watch.

I came across ~~some~~ Al Capone's left over and unfinished at 22 and + Lexington Hotel.

Here is something that is a nine days wonder to me. Was Al Capone out of prison this year? Pastors in the Kuro see him, his chauffeur, body guard, his wife, her mother and their son driving through south of Georgia.

He bought a house for \$18,000 cash. It is a mansion worth \$40,000 estimate. Is there any truth in this?

RECORDED & INDEXED

I will let you know later on

low things stand among  
JUL 29 1935

69-180-157

TAMM

ONE

In Orleans is a man in the service and one of your staff. His name is Frank and that is all I know. While the trial of Al Capone was going on, and after his sentence and at the present time - did your Bureau send him to interview Al Capone in prison?

There is something that Al has in his possession before his sentence and now. If he gives that one thing up he is allowed to go out a free man. Is there any talk in this?

And what is it the government wants so bad as all that?

In my judgment this man Frank is too closely connected with the racketeers both men and women. It sounds rather doubtful to me that Bureau trusts and gives to a man of this kind of integrity.

He is associated with underworld women and goes as race horse followers.



*Chief* *John Edgar Hoover,*  
*Bureau of Investigation,*  
*Department of Justice,*  
*Washington. D.C.*

*Personal.*

OFFICE-NEW PHONE  
OLD PHONE  
RESIDENCE-OLD PHONE

SECOND FLOOR  
NEAR POST OFFICE

Sep. 28th, 1935.

Mr. J. Edgar Hoover,  
Washington, D. C.,

Dear Sir:-

Referring to the attached cartoon, will say that some people here, have an idea that the person referred to as "Cut" Ramon public enemy #1, is Al Capone, and that he may be staging a prison break, from Alcatraz.

However fantastic this may appear to you, would it not be well to inform the authorities there of a possible attempt at an escape by Capone?

Parties here, have an idea that he is assisted by friends BOTH WITHIN the prison, and outside.

Yours very truly,

While there may not be anything in this street rumdr, and the chances for an escape from that escape proof prison, be remote, it might not be amiss to warn the authorities out there.

RECORDED & INDEXED

OCT 10 1935

69-180-158

RECEIVED SEP 29 1935

OCT 1 1935

U. S. DEPARTMENT OF JUSTICE

TWO

FILE

*Chubb +*  
*al Chubb*

*al Chubb*

*al Chubb*

181-69  
219

# TRACY

A Full Page of This Comic Appears in The Sunday Journal Each Week

BY CHESTER GOULD



# THE GUMPS

A Full Page of This Comic Appears in The Sunday Journal Each Week

BY SIDNEY SMITH

PAG:ER

October 4, 1935.

RECORDED

69-180-158

[REDACTED]  
Market Street,  
Knoxville, Tennessee.

Dear Sir:

Reference is made to your communication of  
September 28, 1935, in which you inclosed a cartoon  
entitled "Pick Tracy" appearing in a daily newspaper.

I wish to thank you for your interest in  
bringing this matter to my attention.

Very truly yours,

John Edgar Hoover,  
Director.

cc-Nashville

|              |       |
|--------------|-------|
| Mr. Nathan   | ..... |
| Mr. Tolson   | ..... |
| Mr. Egan     | ..... |
| Chief Clerk  | ..... |
| Mr. Clegg    | ..... |
| Mr. Glavin   | ..... |
| Mr. Ladd     | ..... |
| Mr. Nichols  | ..... |
| Mr. Rosen    | ..... |
| Mr. Tracy    | ..... |
| Mr. Carson   | ..... |
| Mr. Egan     | ..... |
| Mr. Foxworth | ..... |
| Mr. Harbo    | ..... |
| Mr. Joseph   | ..... |
| Mr. Keith    | ..... |
| Mr. Lester   | ..... |
| Mr. Quinn    | ..... |
| Mr. Schilder | ..... |
| Mr. Tamm     | ..... |
| Mr. Tracy    | ..... |

COMMUNICATIONS SECTION

MAILED

OCT - 7 1935

P. M.

FEDERAL BUREAU OF INVESTIGATION,  
U. S. DEPARTMENT OF JUSTICE

*[Handwritten signature]*  
12 220

MAY 1 1936

RECORDED

INDEXED

Delavan

- Delavan, Wis -

April - 22 - 36.

69-180-159

Mr. Edgar J. Hoover -

APR 24 1936

If you want information  
on the Badare group  
in this territory - Watch  
the house at 207 Prairie  
Street - Delavan - Wisconsin -  
If you have any men  
working in this territory,  
watch the resort known  
as Dutch Mill at Delavan  
Lake - also a resort  
run by two Italians  
[redacted] - on the  
Jannville - White Water road -  
a short distance from here  
and also an Italian





APR 25 1936 AM

APR 27 1936 AM



REC-111

recently rented my uncle's  
garage at Albion Grove  
Wis - about six miles from  
here - who lives next door  
to my uncle with a family  
named [REDACTED] b7c

As this doesn't happen to  
be any Italian families  
in Albion Grove - and  
the fact that I have been  
followed by Italian from  
the Under world - Chicago -  
who have threatened me -  
Take my advice and watch  
this locality -

Miss [REDACTED]  
[REDACTED] 4-27-36

- Delavan Wisconsin -

22



RECORDED

KFL:TD  
69-180-150

April 30, 1936

Miss [REDACTED]

Delavan, Wisconsin.

Dear Madam:

I wish to acknowledge receipt of your letter dated April 22, 1936, advising that information might be obtainable relative to the Capone gang by maintaining a surveillance over certain places which are being operated by a group of Italians in the vicinity of Delavan, Wisconsin.

Please be advised that the jurisdiction of this Bureau is restricted to conducting investigations of violations of specific Federal laws. In the absence of any indication that the activities of the Italians to whom you refer are in violation of any such Federal law, I regret that no action can be taken by this Bureau in the premises.

Very truly yours,

John Edgar Hoover,  
Director.

COMMUNICATIONS SECTION  
MAILED

APR 30 1936

P. M.

cc-Milwaukee

*COX*

*2231*

TD:4A

January 18, 1937

MEMORANDUM FOR MR. TOLSON

Mr. Tolkins, Manager of the Rialto Theatre, telephoned and stated that they have booked for showing the motion picture "Scar Face" which is a take-off on the life of Al Capone and he was wondering whether the Bureau had any educational reels concerning the Bureau's activities which could be shown following the showing of "Scar Face" in order to show what the Government is doing to prevent crime.

Mr. Tolkins was informed that we had no such reels and it was suggested to him that probably the most complete picture ever made of the work of this organization was that entitled "You Can't Get Away With It". He stated he had made inquiry concerning this and ascertained Keiths had already booked the picture and that several other runs were already ahead of them.

Respectfully,

T. E. GILSH.

NOT RECORDED

69-180

224

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nichols ✓

FROM : M. A. Jones

DATE: November 28, 1956

SUBJECT: Alphonse Capone

There are attached excerpts concerning the above-captioned case taken from "The FBI Story, A Report to the People," by Don Whitehead published by Random House, 1956. These excerpts are from page(s) 83, 84 of the book.

The full text of the book may be found in the FBI Library.

Enclosure

ENCLOSURE

69-180-  
NOT RECORDED  
B MAIL 11 1956

CRIME REC.

215

THE gangsters shot and bribed their way into places of power in the Roaring Twenties and the FBI was virtually powerless to deal with such hoodlums as Alphonse "Scarface" Capone, who rose from an errand boy in a bawdyhouse to become the overlord of Chicago's underworld.

These were the years in which the gangsters created their own invisible empires through unholy alliances with crooked politicians, crooked lawyers, crooked doctors and crooked police. The gangsters' revenues from bootleg whiskey, beer, alcohol, robberies, prostitution, gambling, narcotics and "protection" rackets ran to uncounted hundreds of millions of dollars. The income of Chicago gangs alone was estimated variously as from \$100,000,000 to more than \$300,000,000 at the peak of their power.

Curiously, the FBI was powerless to move against these underworld empires unless and until the gangs violated a federal law, such as the Antitrust Act, which forbids restraint of interstate commerce.

Capone was only in his mid-twenties when he took over full command of the Chicago underworld. Even when he "retired" to a plush estate on Palm Island, near Miami, Florida, in 1927, he ruled the mob by remote control and remained a symbol of evil and terror. When he issued a command—men died.

Capone was virtually untouchable for years. But finally he made slip and the FBI went after him. In 1929 he pleaded illness as an ex-

Page 83 of "The FBI Story,  
A Report to the People" by  
Don Whitehead

69-180-✓

ENCLOSURE

226

cuse for failing to answer a subpoena to appear as a witness in a federal Prohibition case in Chicago. Claiming he had been bed-ridden for six weeks while suffering with broncho-pneumonia, he produced a doctor's sworn statement as proof that he was in no condition to travel.

FBI agents checked into Capone's story. They found that during the time he was supposedly ill and in bed, he had gone to the horse races, taken a boat trip, flown to the Bahama Islands, and visited public places with a glow of health on his cheeks.

As a result of this investigation, Capone was cited for contempt of court and ordered before a federal grand jury in Chicago. He was arrested in Florida and released on \$5,000 bond on March 27, 1929. Two months later, Capone was arrested in Pennsylvania and convicted of carrying a concealed weapon. When his one-year sentence expired, he was prosecuted on the contempt of court charge and given six months in jail. While Capone was serving this sentence, Internal Revenue Bureau agents took a close look at Capone's financial affairs. He was charged with income tax evasion. The one-time bawdyhouse courier couldn't beat this rap. He was sent to prison for ten years.

*Excerpt from page 84 of  
"The FBI Story, A Report  
to the People" by Don  
Whitehead*

21

## Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

FROM : Mr. Edw. A. Tamm

SUBJECT: *EAT*

DATE: January 25, 1947

|                |  |
|----------------|--|
| Mr. Tolson     |  |
| Mr. E. A. Tamm |  |
| Mr. Clegg      |  |
| Mr. Coffey     |  |
| Mr. Glavin     |  |
| Mr. Ladd       |  |
| Mr. Nichols    |  |
| Mr. Rosen      |  |
| Mr. Tracy      |  |
| Mr. Carson     |  |
| Mr. Egan       |  |
| Mr. Gurnea     |  |
| Mr. Harbo      |  |
| Mr. Pennington |  |
| Mr. Quinn Tamm |  |
| Tele. Room     |  |
| Mr. Nease      |  |
| Miss Gandy     |  |

Drew Pearson telephoned and inquired for "color" that he might use in connection with the anticipated death of Al Capone. I furnished Mr. Pearson with the general information as contained in the attached interesting case write-up emphasizing the fact that the Bureau was the first agency to secure Capone's conviction in the Federal Court. I furnished him the date and background of the contempt proceedings against him.

Attachment

EAT:IMG

RECORDED

INDEXED

215

FEB 7 1947

50 FEB 18 1947

228

JOHN EDGAR HOOVER  
DIRECTOR

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

January 7, 1933.

I.C. #69-180

ALPHONSE CAPONE

CONTEMPT OF COURT

In the early part of 1929, in the United States Court for the Northern District of Illinois, Federal Judge James H. Wilkerson issued a subpoena for the appearance of Alphonse Capone before the Federal Grand Jury at Chicago on March 12, 1929, to testify in the case entitled UNITED STATES versus D'AMICO, et al, Conspiracy to Violate the National Prohibition Act. This subpoena was served on Capone February 27, 1929, at his home on Palm Island, near Miami, Florida.

On March 11, 1929, Capone entered an appearance in the Federal Court at Chicago through his attorneys and petitioned for a postponement of his appearance in response to the subpoena. With his petition for postponement he submitted to the Court an affidavit executed March 5, 1929, at Miami, Florida, before John F. Spitler, United States Commissioner, for the Southern District of Florida, by a practicing physician of Miami, Florida, formerly of Chicago. This affidavit stated that Capone had been ill and under the doctor's professional care since January 13, 1929, and had thereafter been confined to his bed with broncho-pneumonia for six weeks and had been out of bed only ten days prior to March 5, 1929, and that therefore it would be dangerous to Capone's health for him to answer the

229

69-180 16



subpoena in person as required.

Special Agents of the United States Bureau of Investigation, upon request, immediately began an investigation for the purpose of establishing the truth or falsity of the affidavit. This investigation disclosed that between January 13 and March 5, 1929, Capone had frequently attended the races at the Miami Jockey Club, The Hialeah Race Track, Florida, and had frequently appeared in public in apparently good health during the time when the affidavit alleged he was in bed. The investigation revealed further that between January 13 and March 5, 1929, Capone, in addition to having attended the races regularly, had made a trip by boat and another trip by aeroplane from Miami, Florida, to the Bahama Islands and return.

Special Agents of the United States Bureau of Investigation obtained affidavits from five police officials and an employee at the race track to the effect that Capone had attended the races on a number of occasions between January 13 and March 5, 1929, at which times he had appeared to be in good health. A pilot for a flying service at Miami, Florida, made affidavit that on February 2, 1929, he had piloted a certain sea plane from Miami, Florida, to Bimini, Bahama Islands, British West Indies, and return, carrying as passengers Al Capone and three other individuals, and that Capone appeared to be in good health during the entire trip.

An affidavit was obtained from an official of a steamship line operating between Miami, Florida, and Nassau, Bahama Islands, British West Indies, stating that on February 8, 1929, while checking the passenger lists of one of his company's vessels, he personally observed Alphonse Capone, together with Alfred Capone and several other individuals on the deck of one of the company's boats as it departed for the Bahamas.

230

An affidavit was obtained from an officer of this same vessel to the effect that Alphonse Capone and his party had sailed aboard his boat from Miami to Nassau on February 8, 1929, and had returned by the same boat from Nassau on February 12, 1929, and that on both trips Alphonse Capone appeared to be in perfect health.

Affidavits were obtained that on February 14, 1929, Alphonse Capone had been questioned for two hours by the County Solicitor for Dade County and an Assistant District Attorney of King's County, New York, in the office of the County Solicitor in the Court House at Miami, Florida, the questions and answers being taken down by a stenographer, and that upon this occasion Capone appeared to be in good health.

The above affidavits, of course, established the falsity of several statements in the affidavit presented to obtain a postponement of Capone's appearance before the Grand Jury at Chicago and served to disprove his contention that he was sick in bed upon certain dates, and was thus too ill to appear in Chicago.

On March 27, 1929, Capone was cited in the Federal Court at Chicago for Contempt of Court for his failure to respond to the subpoena served upon him in Florida ordering his appearance before the Federal Grand Jury at Chicago, and on the same date he was arrested and released under \$5,000 bond.

On May 17, 1929, Capone was arrested in Philadelphia and charged with carrying concealed weapons. He was convicted in the Pennsylvania State Court and sentenced to serve one year in the Eastern State Penitentiary, which sentence he served. At the expiration of this sentence he was arraigned in the Federal Court at Chicago, February 25, 1931, entered a plea of not

231

As Alphonse Capone, #C-28169, arrested Chicago, Illinois,  
Police Department, February 25, 1931; charge general prin-  
ciples.

As Alphonse Capone, arrested by United States Marshal, Chicago,  
Illinois, October 30, 1931.

232

guilty, and was tried and convicted.

On March 2, 1931, Federal Judge James H. Wilkerson sentenced him to serve six months in the Cook County, Illinois, jail. His attorneys immediately gave notice of appeal. The United States Circuit Court of Appeals for the Seventh Circuit, on motion of counsel for Capone, dismissed this appeal.

Federal Judge James H. Wilkerson, in sentencing Capone on October 24, 1931, for violation of the Income Tax Laws, provided that Capone's sentence for Contempt of Court should be served concurrently with that for the violation of the Income Tax Laws.

The records of the Identification Division of the United States Bureau of Investigation reflected the following criminal record for Alphonse Capone, in addition to the instant case and his subsequent violation of the Income Tax Laws:

As Alphonse Capone, #B-5496, received Philadelphia County Prison, Holmesburg, Pennsylvania, May 18, 1929; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #90725, arrested Philadelphia, Pennsylvania, Police Department, May 16, 1929; charge, suspicious character and carrying deadly weapons.

As Alphonsus Capone, #C-5527, received State Penitentiary, Philadelphia, Pennsylvania, August 8, 1929, from Philadelphia; crime, carrying concealed deadly weapons; sentence one year.

As Alphonse Capone, #3563, arrested Miami, Florida, Police Department, May 8, 1930; charge investigation - vagrancy; released on writ, May 8, 1930.

253

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

\_\_\_\_\_ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) \_\_\_\_\_ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Document(s) originating with the following government agency(ies) \_\_\_\_\_, was/were forwarded to them for direct response to you.

2 Page(s) referred for consultation to the following government agency(ies); Department of Treasury as the information originated with them. You will be advised of availability upon return of the material to the FBI.

\_\_\_\_\_ Page(s) withheld for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

☐ For your information: \_\_\_\_\_  
\_\_\_\_\_

☒ The following number is to be used for reference regarding these pages:

62-20619-1

XXXXXX  
XXXXXX  
XXXXXX
XXXXXXXXXXXXXXXXXXXXX  
X DELETED PAGE(S) X  
X NO DUPLICATION FEE X  
X FOR THIS PAGE X  
XXXXXXXXXXXXXXXXXXXXX



# TREASURY DEPARTMENT

BUREAU OF PROHIBITION

WASHINGTON

OFFICE OF  
COMMISSIONER OF PROHIBITION

Pro: S. C. W.

October 24, 1928

OCT 28 1928  
BUREAU OF PROHIBITION  
DIVISION

Mr. J. Edgar Hoover,  
Director, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

My dear Mr. Hoover:

There is transmitted herewith for your information and such attention as it may seem to deserve, a copy of a memorandum just received in this office from a special employee of the Prohibition Bureau, indicating that there are, at present, in the city of Washington, some members of a well known gang of gunmen and criminals.

Very truly yours,

J. M. Doran,  
Commissioner.

Encl. #308.

1 encl  
HGM  
m 58  
Bon

Chatt  
Sept  
10-29-28  
RECORDED  
INDEXED  
OCT 30 1928

62-206194  
BUREAU OF INVESTIGATION  
OCT 28 1928  
DEPT. OF JUSTICE



October 27, 1936

E. C. Wilson,  
Special Inspection Division,  
Bureau of Prohibition,  
Washington, D. C.

Regarding Cleveland and Washington, D. C. I have received the following information from one George Cole of Washington, D. C.

That a person known to be one of "Sam West" (Cleveland) Gang, operating out of Cleveland, Ohio, is at the present time in Washington, D. C. The man is known in this gang as "Rat", and is believed to be the man used by Capone when machine-gun fire is needed by his gang.

As to recent activities, as concerns the operation of "race track" in New York City, I believe it possible that some of the gangsters involved might try locating in Washington. It is quite evident that any gangster's gang who might be in this vicinity are here for no other reason.

My informant claims to have been friendly with some of the gang, while a resident of New York City, but having had a misunderstanding with some of that gang, withdrew. It is not possible, therefore, to have direct contact with any of the gang, but it is possible for him to locate any members who might be in this vicinity, which he claims is possible. He further asserts that he is personally willing to assist any Federal Department or Service.

In reporting in this instance for the purpose of the law, and in the hope that if gangsters are present in Washington that they may be prevented from committing any crime.

Respectfully submitted,

David D. Mayne.

62-20619-1



17  
18

TO : SAC, NEW YORK  
FROM : SAC, NEW YORK

Reference is made to a memorandum dated October 24, 1928, initialled "F. S. G. W.", with which you transmitted a copy of a memorandum prepared by a Special Employee of the Department of Justice, indicating that there are persons in the City of Washington, who are in possession of arms and explosives.

I am taking the liberty of referring a copy of the Special Employee's memorandum to Inspector [redacted] of the local Police Department, for information and such action as he may deem to be in the interest of the Service.

Very truly yours,

RECEIVED  
MAILED  
OCT 29 1928  
F. B. I.  
DEPT. OF JUSTICE





Government of the District of Columbia

METROPOLITAN POLICE DEPARTMENT

DETECTIVE BUREAU

WASHINGTON, D. C.

REPLY TO

MAJOR AND SUPERINTENDENT

October 30, 1928

J. E. Hoover, Director  
Bureau of Investigation  
Department of Justice  
Washington, D. C.

Dear Mr. Hoover:

Your letter, with which was enclosed a report made by the Prohibition Unit indicating the presence of a Chicago "racketeer" in this city, received.

Thanking you for bringing this matter to my attention, and assuring you that every effort will be made to apprehend the man if here, I remain

Very truly yours,

H. G. Pratt  
Assistant Superintendent  
Commanding Detective Bureau

HGP:DS

RECORDED  
NOV 1 1928

|                         |        |
|-------------------------|--------|
| 62-20679-2              |        |
| BUREAU OF INVESTIGATION |        |
| 1                       | 81-3-2 |
| Div. Two                | ✓      |